

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Criminal Action No.
22-00138-02/03/07/09-CR-W-SRB

NATHANIEL FINNEY, JASON LUMPKIN,
REGGIE MCDOWELL, and ISAAC WILSON

Defendants.

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

The following matters were discussed and action taken during the pretrial conference:

PENDING CHARGES:

- Defendant Finney
 - Count 1: Conspiracy to Distribute 500 Grams or More of Methamphetamine, *in violation of* 21 U.S.C. §§ 841(a)(1) and (b)(1)(A) and 846
 - Counts 20, 24: Distribution of Methamphetamine, *in violation of* 21 U.S.C. § 841(a)(1) and (b)(1)(c)
 - Count 25: Possession of a Firearm in Furtherance of a Drug Trafficking Offense, *in violation of* 18 U.S.C. § 924(c)(1)(A)(i)
- Defendant Lumpkin
 - Count 1: Conspiracy to Distribute 500 Grams or More of Methamphetamine, *in violation of* 21 U.S.C. §§ 841(a)(1) and (b)(1)(A) and 846
- Defendant McDowell
 - Count 1: Conspiracy to Distribute 500 Grams or More of Methamphetamine, *in violation of* 21 U.S.C. §§ 841(a)(1) and (b)(1)(A) and 846
 - Counts 3, 5-7, 9, 12: Distribution of Methamphetamine, *in violation of* 21 U.S.C. § 841(a)(1) and (b)(1)(c)
 - Counts 4, 8, 10: Possession of a Firearm in Furtherance of a Drug Trafficking Offense, *in violation of* 18 U.S.C. § 924(c)(1)(A)(i)
- Defendant Wilson
 - Count 1: Conspiracy to Distribute 500 Grams or More of Methamphetamine, *in violation of* 21 U.S.C. §§ 841(a)(1) and (b)(1)(A) and 846
 - Counts 13, 14, 17: Distribution of Methamphetamine, *in violation of* 21 U.S.C. § 841(a)(1) and (b)(1)(c)

TRIAL COUNSEL:

Government: Byron Black and Stephanie Bradshaw

Case Agent: Steven White, ATF

Defendant Finney: Thomas Johnson

Defendant Lumpkin: Blade Moore

Defendant McDowell: John Justin Johnston

Defendant Wilson: Anthony Bologna

OUTSTANDING MOTIONS: None.

ANTICIPATED MOTIONS: Defendant McDowell anticipates filing motions in limine.

TRIAL WITNESSES:

Government: 12 with stipulations; 15 without stipulations

Defendant Finney: 1 witness, including Defendant who may testify.

Defendant Lumpkin: 1–2 witnesses, including Defendant who may testify.

Defendant McDowell: 3 witnesses, including Defendant who may testify.

Defendant Wilson: 1 witness, including Defendant who may testify.

TRIAL EXHIBITS:

Government: 50 exhibits

Defendant Finney: 0 exhibits

Defendant Lumpkin: 0 exhibits

Defendant McDowell: 10–15 exhibits

Defendant Wilson: 0 exhibits

DEFENSES:

Defendant Finney will rely on:

☒ defense of general denial

☐ defenses of general denial and _____

Defendant Lumpkin will rely on:

☒ defense of general denial

☐ defenses of general denial and _____

Defendant McDowell will rely on:

☒ defense of general denial

☐ defenses of general denial and _____

Defendant Wilson will rely on:

☒ defense of general denial

☐ defenses of general denial and _____

POSSIBLE DISPOSITION:

Defendant Finney:

☐ Definitely for trial

☐ Possibly for trial

☒ Motion to continue to be filed

☐ Likely a plea will be worked out

Defendant Lumpkin:

☐ Definitely for trial

☐ Possibly for trial

☒ Motion to continue to be filed

☐ Likely a plea will be worked out

Defendant McDowell:

- | | |
|--|---|
| <input type="checkbox"/> Definitely for trial | <input type="checkbox"/> Possibly for trial |
| <input checked="" type="checkbox"/> Motion to continue to be filed | <input type="checkbox"/> Likely a plea will be worked out |

Defendant Wilson:

- | | |
|--|---|
| <input type="checkbox"/> Definitely for trial | <input type="checkbox"/> Possibly for trial |
| <input checked="" type="checkbox"/> Motion to continue to be filed | <input type="checkbox"/> Likely a plea will be worked out |

TRIAL TIME: 6 days

Government's case including jury selection: 4 days

Defense case: 2 days

STIPULATIONS:

With regard to Defendant Finney, stipulations are

- ☐ not likely
- ☐ not appropriate
- ☒ likely as to:
 - ☒ chain of custody
 - ☐ chemist's reports
 - ☐ prior felony conviction
 - ☐ interstate nexus of firearm
 - ☒ other: identification, firearm functionality

With regard to Defendant Lumpkin, stipulations are

- ☐ not likely
- ☐ not appropriate
- ☒ likely as to:
 - ☒ chain of custody
 - ☐ chemist's reports
 - ☐ prior felony conviction
 - ☐ interstate nexus of firearm
 - ☒ other: identification, firearm functionality

With regard to Defendant McDowell, stipulations are

- ☐ not likely
- ☐ not appropriate
- ☒ likely as to:
 - ☒ chain of custody
 - ☐ chemist's reports
 - ☐ prior felony conviction
 - ☐ interstate nexus of firearm
 - ☐ other:

With regard to Defendant Wilson, stipulations are

- ☐ not likely
- ☐ not appropriate
- ☒ likely as to:
 - ☒ chain of custody
 - ☐ chemist's reports
 - ☐ prior felony conviction
 - ☐ interstate nexus of firearm
 - ☒ other: identification, firearm functionality

UNUSUAL QUESTIONS OF LAW: None.

FILING DEADLINES:

Witness and Exhibit Lists: May 22, 2023

Government: May 22, 2023

Defense: May 22, 2023

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: May 22, 2023

Jury instructions must comply with Local Rule 51.1

Motions in Limine: May 22, 2023

TRIAL SETTING: Criminal jury trial docket commencing June 5, 2023.

Please note: *Any conflicting settings on trial docket?*

OTHER:

- ☐ A _____-speaking interpreter is required.
- ☐ Other assistive devices: _____

IT IS SO ORDERED.

/s/ Jill A. Morris
JILL A. MORRIS
United States Magistrate Judge